

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

<b>STEPHEN BOTCHKAI,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:03cv0821 AS</b>
	)	
<b>BRUCE SCHWEIZER,</b>	)	
	)	
<b>Defendant</b>	)	

***MEMORANDUM OPINION AND ORDER***

This court has before it the Report and Recommendation of United States Magistrate judge Christopher A. Nuechterlein filed on May 5, 2005. As of this writing, no response have been filed. This court now takes full judicial notice of the record in this case and compliments Magistrate Judge Nuechterlein on the thoroughness and care with which the issues here were considered and reflected in the aforesaid Report and Recommendation. The magistrate judge has recommended that the plaintiff's motion to rescind the release be denied, and that the defendant motion for summary judgment be granted. This court **CONCURS** in and **APPROVES** that recommendation and **ORDERS** that judgment be entered accordingly. Additionally, the magistrate judge has recommended that the defendant's first motion for summary judgment be denied as moot, and that also is **APPROVED**. The Clerk shall enter judgment accordingly. Each party shall bear its own costs. **IT IS SO ORDERED.**

**DATED:** May 31, 2005

**s/ ALLEN SHARP**  
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**ALLEN SHARP, JUDGE**  
**UNITED STATES DISTRICT COURT**

cc: The Honorable Christopher A. Nuechterlein